

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

KATHY WALKER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

)  
) No.  
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)  
) Complaint for the Release of  
) Personal Property  
)  
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I. JURISDICTION AND VENUE

1. This action is brought pursuant to Title 18, 46 U.S.C. § 983 General Rules for Civil Forfeiture Proceedings. Jurisdiction and venue in the United States District Court for the Western District of Washington is proper.

2. Plaintiff KATHY WALKER resides in Seattle, WA 98118, in the COUNTY OF KING, in the STATE OF WASHINGTON.

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II. BACKGROUND FACTS

4. On July 21, 2009, a warranted search occurred at 1311 12<sup>th</sup> Avenue South #C-304, Seattle, WA, the residence of Plaintiff KATHY WALKER.

5. On that same day, her son DIMITRIUS TINSLEY, who did not reside at the residence, was arrested and charged with drug related charges and later pled guilty to conspiracy to distribute BZP in Cause # 2:00-cr-00255-MJP.

6. Dimitrius Tinsley would occasionally visit his mother at her residence and had been an overnight guest of his mother during the second week of July through July 21, 2009. He was temporarily staying at his mother's home because he had recently moved from his former apartment and was in the process of finding and renting a new apartment.

7. During the search of July 21, 2009, personal property belonging to KATHY WALKER was wrongfully seized by the federal law enforcement officers.

8. Items of the Plaintiff's property that were not owned, purchased by, or funded by her son DIMITRIUS TINSLEY were seized by the officers.

9. KATHY WALKER had been gainfully employed prior to the seizure of her property. In addition, she had recently received a monetary settlement for injury/disability. Ms. Walker can

1 produce the evidence to show the means to have owned the items  
2 seized, and for certain items, the receipts.

3  
4 III. CLAIMS AND CAUSES OF ACTION

5 A. RETURN OF PROPERTY

6 10. Under the Federal Rules of Criminal Procedure Rule  
7 41(g) Motion to Return Property:

8  
9 [a] person aggrieved by an unlawful search and  
10 seizure of property or by the deprivation of property  
11 may move for the property's return. The motion must  
12 be filed in the district where the property was  
13 seized. The court must receive evidence on any  
14 factual issue necessary to decide the motion. If it  
15 grants the motion, the court must return the property  
16 to the movant, but may impose reasonable conditions  
17 to protect access to the property and its use in  
18 later proceedings.  
19 Fed. R. Crim. P. 41(g).

15 B. CIVIL FORFEITURE

16 Under 18 U.S.C. Chapter 46 § 983 (A)(i)

17 ... in any nonjudicial civil forfeiture proceeding  
18 under a civil forfeiture statute, with respect to  
19 which the Government is required to send written  
20 notice to interested parties, such notice shall be  
21 sent in a manner to achieve proper notice as soon as  
22 practicable, and in no case more than 60 Days after  
23 the date of seizure.

22 To date, the Plaintiff has received no written notice of a  
23 judicial forfeiture action regarding her property which was  
24 seized on July 21, 2009. The federal law enforcement officers  
25 who made the arrest of Dimitrius Tinsley and those who conducted  
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1 the search of Ms. Walker's property, should have known that the  
2 vehicle was registered to Walker and the apartment searched was  
3 rented to only Walker. She was entitled to such notice.

4  
5 Under 18 U.S.C. Chapter 46 § 983 (2)(A) General rules for  
6 civil forfeiture proceedings, "[a]ny person claiming property  
7 seized in a nonjudicial civil forfeiture proceeding under a  
8 civil forfeiture statute may file a claim with the appropriate  
9 official after the seizure." The Plaintiff seeks to have her  
10 property returned to her.

11  
12 Dated: DECEMBER 9, 2009

\_\_\_\_s/ Leanne M. Lucas\_\_\_\_\_  
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